

# General Regulations

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## Faculty Resolutions

On April 14, 1970, the Faculty of Arts and Sciences approved the Resolution on Rights and Responsibilities, printed below in its entirety (members of the community should also be aware of the Faculty's Free Speech Guidelines, available at [www.fas.harvard.edu/~secfas/](http://www.fas.harvard.edu/~secfas/)).

## **Resolution on Rights and Responsibilities**

The central functions of an academic community are learning, teaching, research and scholarship. By accepting membership in the University, an individual joins a community ideally characterized by free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change. The rights and responsibilities exercised within the community must be compatible with these qualities.

The rights of members of the University are not fundamentally different from those of other members of society. The University, however, has a special autonomy and reasoned dissent plays a particularly vital part in its existence. All members of the University have the right to press for action on matters of concern by any appropriate means. The University must affirm, assure and protect the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in orderly fashion, advocate, and publicize opinion by print, sign, and voice.

The University places special emphasis, as well, upon certain values which are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. Interference with any of these freedoms must be regarded as a serious violation of the personal rights upon which the community is based.

Furthermore, although the administrative processes and activities of the University cannot be ends in themselves, such functions are vital to the orderly pursuit of the work of all members of the University. Therefore, interference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of the University. Theft or willful destruction of the property of the University or of its members must also be considered an unacceptable violation of the rights of individuals or of the community as a whole.

Moreover, it is the responsibility of all members of the academic community to maintain an atmosphere in which violations of rights are unlikely to occur and to develop processes by which these rights are fully assured. In particular, it is the responsibility of officers of administration and instruction to be alert to the needs of the University community; to give full and fair hearing to reasoned expressions of grievances; and to respond promptly and in good faith to such expressions and to widely expressed needs for change. In making decisions which concern the community as a whole or any part of the community, officers are expected to consult with those affected by the decisions. Failures to meet these responsibilities may be profoundly damaging to the life of the University. Therefore, the University community has the right to establish orderly

procedures consistent with imperatives of academic freedom to assess the policies and assure the responsibility of those whose decisions affect the life of the University.

No violation of the rights of members of the University, nor any failure to meet responsibilities, should be interpreted as justifying any violation of the rights of members of the University. All members of the community—students and officers alike—should uphold the rights and responsibilities expressed in this Resolution if the University is to be characterized by mutual respect and trust.

### **Interpretation**

It is implicit in the language of the Statement on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based.

### **Commission of Inquiry**

Any student, faculty member, or administrative officer who has a complaint or an inquiry may address it to the Commission of Inquiry, c/o Secretary of the Faculty of Arts and Sciences, University Hall, First Floor (617-495-4780). The Commission will redirect the complaint or query to the appropriate agency of the Faculty of Arts and Sciences. When such an agency does not exist, the Commission itself will attempt to aid in resolving the matter. Occasionally, the Commission is instrumental in establishing a new agency for handling recurrent issues. Although the Commission has no power to make rulings, it can play an advocacy role in pressing for the resolution of issues.

Ordinarily, the Commission reports to the community on the matters which come before it, and in doing so, attempts to keep the community informed about factual background material and the resolution of matters of community concern.

# General Regulations

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## Harassment

Advising Resource and Procedures for Resolution

Informal Resolution: Advice, Counseling, Mediation

Formal Complaint

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Recognizing that harassment on the basis of sex, race, sexual orientation, or gender identity constitutes unacceptable behavior, the Faculty of Arts and Sciences and, in particular, the Faculty Council have issued a number of documents setting forth the position of the College on these matters, as well as the procedures that are available to students who believe that they have been the object of such harassment.

It is important to note here that speech not specifically directed against individuals in a harassing way may be protected by traditional safeguards of free speech, even though the comments may cause considerable discomfort or concern to others in the community. The College still takes such incidents seriously and will try, when appropriate, to mediate and help students involved to resolve or deal with the situations in an informal way. On the other hand, any use of electronic mail or the telephone to deliver obscene or harassing messages will be treated as a serious matter and ordinarily will result in disciplinary action by the College (see also Electronic Communication and Obscene or Harassing Telephone Calls).

## **Faculty Policy Statements on Harassment**

### **Sexual Harassment**

The statement of policy by the Faculty Council affirms:

The Faculty of Arts and Sciences seeks to maintain a learning and work environment free from sexual harassment. Sexual harassment is a barrier to the educational, scholarly, and research purposes of the University. The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be described generally as unwanted sexual behavior, such as physical contact or verbal comments or suggestions, which adversely affects the working or learning environment of an individual. The Faculty of Arts and Sciences has formal complaint procedures for sexual harassment involving abuse of authority or for the sexual harassment of students by other students. Any member of the FAS community who believes that he or she has been sexually harassed is encouraged to bring the matter to the attention of an appropriate officer of the Faculty.\*

\* The full text of this statement and a letter from the Dean of the Faculty issued April 1983 discussing professional and unprofessional behavior on the part of officers of the Faculty toward students are available from the designated Assistant Dean of the College, University Hall, First Floor. See also the [Faculty's policy on sexual assault and other sexual misconduct](#).

### **Racial Harassment**

Harvard College seeks to maintain an instructional and work environment free from racial harassment. The College defines racial harassment as actions on the part of an individual or group that demean or abuse another individual or group because of racial or ethnic background. Such actions may include, but are not restricted to, using racial epithets, making racially derogatory remarks, and using racial stereotypes. Any member of the College community who believes that he or she has been harassed on account of race is encouraged to bring the matter to the attention of his or her Resident Dean or the designated race relations adviser in their House or Freshman Yard.

The College's investigation and adjudication process is designed to be careful and fair. No person will be reprimanded or discriminated against in any way for initiating an inquiry or complaint in good faith. The rights of any person against whom a complaint is lodged will be protected during the investigation.

### **Harassment Based on Sexual Orientation**

The general policy of the Faculty of Arts and Sciences with respect to harassment on the basis of sexual orientation has been most fully expressed in a statement issued by the Faculty Council in May 1981. That statement, which is available in its entirety from House Offices, the Freshman Dean's Office, and the designated Assistant Dean of the College, refers directly to the Resolution on Rights and Responsibilities (included below) and points out that:

...the Faculty voted specifically that it "regards as implicit in the language of the Resolution on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights upon which the University is based."... The Faculty Council has been informed of a number of incidents and circumstances that make it clear that these principles of respect and toleration have not been honored. Gay students have been subject to harassment that can only be seen as evidence of intolerance by other members of our community. The Faculty Council condemns these incidents and wishes to stress its determination that gay students be accorded the respect and protection granted all other members of the University. The Faculty Council... call[s] upon Masters and Senior Tutors [Resident Deans] as well as Deans and other officers of administration to be alert to the need or opportunity to... assist students who report incidents of harassment or discrimination... Complaints can and should be vigorously investigated by the appropriate agencies, including the Administrative Boards, the Committee on Rights and Responsibilities, the Commission of Inquiry, and individual officers of administration.

### **Advising Resources and Procedures for Resolution**

The College encourages undergraduates who believe that they have been the object of harassment due to race, ethnic group, sexual orientation, or gender identity to seek the assistance of the Resident Dean or House Master. In addition, in cases of sexual harassment students may also turn to the designated Assistant Dean of the College, who also serves as Hearing Officer for formal complaints of sexual harassment, or to the House or Yard Designated Tutors/ Proctors for Sexual Assault/Sexual Harassment for advice and support. In cases of racial or ethnic harassment, the House or Yard Designated Tutors/Proctors for Race Relations are available for counsel, as is the designated Racial Harassment Hearing Officer in the Office of the Dean of Harvard College. In cases of harassment based on sexual orientation, designated House or Yard Tutors/Proctors and the designated Assistant Dean are available for advice and guidance.

Students may find mediation through University counseling services helpful in some cases of harassing behavior among peers. Formal complaints of

harassment against students are referred to the Administrative Board of Harvard College or the Administrative Board of the Graduate School of Arts and Sciences as appropriate.

The College's investigation and adjudication process is designed to be careful and fair. No person will be reprimanded or discriminated against in any way for initiating an inquiry or complaint in good faith. The rights of any person against whom a complaint is lodged will be protected during the investigation.

### **Informal Resolution: Advice, Counseling, Mediation**

A student may consult any adviser or administrator as described above in order to obtain help in clarifying and resolving a situation of perceived harassment. Throughout the advising process, information will ordinarily be held in confidence by the adviser unless the aggrieved individual agrees that a third party may be informed.

Some reported incidents of harassment involve stereotyping or insensitive or offensive behavior which is the result of miscommunication or lack of communication rather than malicious intent. Calling the matter to the attention of the person or group engaged in such behavior is often enough to bring a stop to it. A person seeking resolution with the help of an adviser may ask the adviser to intervene in order to make the offender aware of his or her behavior. This intervention may result in an apology to the offended person, changes in behavior, and closure of the incident, thus providing the desired resolution. In cases of sexual harassment where an instructional relationship exists between the parties, changing that relationship may also be helpful. On the other hand, if the offensive behavior continues, intervention may be only the beginning of a longer, more complex process of mediation, negotiation, and remedy.

Throughout the process of informal resolution there will be regular communication between the adviser and the person making the inquiry. In addition, the offended person will receive support for handling the emotional or other effects of the incident or inquiry. The College strongly encourages those with questions or concerns to bring them to the attention of an appropriate adviser.

### **Formal Complaint**

Either initially or after having sought an informal resolution, a student who believes that he or she has been the object of harassment may bring a formal complaint. As noted above, formal complaints of harassment against students are referred to the Administrative Board of Harvard College, the Administrative Board of the Graduate School of Arts and Sciences, or the Student-Faculty

Judicial Board, as appropriate. Formal complaints of harassment against faculty or staff are handled according to the process described below. In such a situation, the designated Racial Harassment or Sexual Harassment Hearing Officer can provide advice and assistance to the complainant, both in presenting the case and, where appropriate, by referring him or her to other helpful sources of advice and counsel.

Individuals who wish to file a complaint should contact the Racial Harassment Hearing Officer in the Office of the Dean of Harvard College, the Sexual Harassment Hearing Officer (the Assistant Dean of the College), or their Resident Dean of Freshmen or Allston Burr Resident Dean. Merely discussing a complaint with one of the officers does not commit one to making a formal charge. However, the matter may be pursued by one of the officers of the Faculty if the behavior is determined to be a community matter.

Formal procedures are initiated by filing a written and signed complaint that may be shown to the accused person. The Hearing Officer will consult with the complainant and with the person named in the complaint in order to ascertain the facts and views of both parties. The Hearing Officer or the Dean of the Faculty of Arts and Sciences may at any point dismiss a complaint if it is found to be clearly without merit. If such an action is taken, the complainant and the accused will be informed of the factors leading to this decision. If, however, the evidence appears to support the complaint, the Hearing Officer will conduct an inquiry and prepare a report, in confidence, for submission to the Dean, summarizing the relevant evidence. A draft of the report will be shown to the complainant, to the respondent, and to the Dean, in order to give them the opportunity to respond before the final report is made. The final report summarizing the findings will be sent to the complainant, the respondent, and the Dean. Both the complainant and the respondent will have the opportunity to comment on the report in a written statement to the Dean.

Upon consideration of the final report, the Dean of the Faculty may take whatever action is warranted or ask the investigative officer to discuss the matter further and to submit a supplementary report. Final action by the Dean completes the procedure in the Faculty of Arts and Sciences.



# General Regulations

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## **Sexual Assault and Other Sexual Misconduct**

In May 1993, the Faculty of Arts and Sciences adopted a policy on sexual assault and misconduct. That policy is printed here in its entirety. In addition, copies are available from the Assistant Dean of Harvard College, from the House Offices and the Freshman Dean's Office, from the Office of Sexual Assault Prevention and Response (OSAPR), and from the Sexual Assault and Sexual Harassment (SASH) advisers in each House and Yard.

## **FAS Policy Statement on Rape, Sexual Assault, and Other Sexual Misconduct**

### **Introduction**

All members of the University community have a right to treatment with dignity and respect and to full participation in the community. These rights extend to classrooms, workplaces, and residences. They include the right to bodily safety and integrity. In recognition of these rights, the Faculty of Arts and Sciences is committed to creating and maintaining an environment at Harvard in which all individuals—faculty, staff, and students—are treated with dignity and feel safe and secure in their persons. These principles are fundamental to the attainment of a community devoted to teaching, learning, and research.

In accordance with these principles, the Faculty of Arts and Sciences will not tolerate sexual misconduct including rape and other forms of sexual assault, whether affecting a man or a woman, perpetrated by an acquaintance or a stranger, by someone of the same sex or someone of the opposite sex. Such behavior is unacceptable in our community. A student who commits rape, sexual assault, or other sexual misconduct is subject to severe penalties under the rules of the Faculty of Arts and Sciences. Rape and sexual assault are serious crimes under the laws of the Commonwealth of Massachusetts and the individuals responsible for such acts are subject to prosecution and legal penalties.

### **Application**

This policy and its related disciplinary procedure apply when an allegation of sexual misconduct is made against a student at Harvard College. Within the Faculty of Arts and Sciences, different reporting and disciplinary procedures apply when the individual alleged to have committed an act of sexual misconduct is a graduate student, or member of the faculty or staff.

### **Sexual Misconduct**

For the purposes of this policy, sexual misconduct is to be understood as encompassing the following behaviors:

Rape includes any act of sexual intercourse that takes place against a person's will or that is accompanied by physical coercion or the threat of bodily injury. Unwillingness may be expressed verbally or physically. Rape may also include intercourse with a person who is incapable of expressing unwillingness or is prevented from resisting, as a result of conditions including, but not limited to, those caused by the intake of alcohol or drugs. Rape includes not only unwilling or forced vaginal intercourse, but also the

sexual penetration of any bodily orifice with a body part or other object.

Indecent assault and battery involves any unwanted touching or fondling of a sexual nature that is accompanied by physical force or threat of bodily injury.

Sexual misconduct may also include other serious or persistent unwanted sexual contact or conduct, such as harassment, threats, or intimidation.

Being intoxicated does not diminish a student's responsibility in perpetrating rape, sexual assault, or other sexual misconduct.

### **Remedies**

Rape and indecent assault and battery are felonies in the Commonwealth of Massachusetts and any student who believes that she or he has suffered a rape or indecent assault and battery is strongly encouraged to report the incident to the HUPD immediately (617-495-1212). Once the incident is documented, the victim can then pursue legal remedies or may also choose to initiate disciplinary or remedial action for sexual misconduct, including rape and indecent assault and battery, through Harvard College in accordance with the procedures for adjudicating peer disputes, as established by the Faculty of Arts and Sciences. Disciplinary or remedial action under those procedures may be pursued whether or not a complainant chooses to prosecute the case. Counseling and consultations regarding emotional, legal, and administrative concerns are available to those students who wish to pursue either College or legal processes, or both.

Harvard and the local community provide many resources to support, advise, and assist victims of rape and sexual assault. All of the following resources have had training to deal effectively with sexual assault. In addition to HUPD and HUHS, Harvard College has administrative officers and counselors available to help. Some resources are as follows:

### **Harvard Resources**

Office of Sexual Assault Prevention and Response (OSAPR)  
731 Holyoke Center  
617-495-9100, 24 hours

Harvard University Police Department (HUPD)  
Sensitive Crimes Unit  
617-495-1796, 8 am–4 pm. After these hours, HUPD, 617-495-1212

HUHS Medical After-Hours service  
(nights and weekends)

Holyoke Center  
617-495-5711

HUHS Mental Health Service  
Holyoke Center  
617-495-2042

Bureau of Study Counsel  
5 Linden Street  
617-495-2581

RESPONSE  
(peer counseling for sexual assault, 8 pm–7 am)  
Lowell House Basement E-013  
617-495-9600

Karen Flood  
(to discuss options for pursuing a sexual harassment complaint through  
informal and formal discipline)  
Lehman Hall, Harvard Yard  
617-496-8912

### **Community Resources**

Beth Israel Hospital Emergency Room (West Campus) (for medical evidence  
collection within 5 days of a sexual assault)  
Clinical Center, Pilgrim Road, Boston  
617-754-2400

Beth Israel Deaconess Medical Center Rape Intervention Program  
617-667-8141

Boston Area Rape Crisis Center Hotline  
99 Bishop Allen Drive (Central Square) Cambridge  
617-492-RAPE or 617-492-7273

Cambridge Hospital Victims of Violence counseling program  
Central Street Health Clinic, Somerville  
617-591-6360

If a student does not wish to use these Harvard or Community resources, HUPD and the College encourage any student who has been sexually assaulted to identify a trusted friend, family member, counselor, or other source of support to help deal with the emotional trauma he or she may experience, and know that at any time, there are additional resources available. Ideally, a good source of support will allow a survivor of sexual assault or rape to make

decisions and take control over the choices they make after the assault.

Complaints of sexual misconduct may be filed with the College according to the procedures of the Administrative Board (see The Administrative Board of Harvard College) and on the website of the Administrative Board at www.adboard.fas.harvard.edu. For additional information about University support and resources for sexual violence, visit the Harvard University Police Department webpage on Rape and Indecent Assault and Battery.